

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

After entry of the foregoing amendment, Claims 14-25 remain pending in the present application. Claims 14, 19-22, 24 and 25 have been amended to clarify device characteristics. No new matter has been added.

By way of summary, the Official Action presents the following issues: Claims 14, 20-23 and 24 stand rejected under 35 U.S.C. §103 as being unpatentable over Canova (U.S. Patent No. 6,906,741, hereinafter Canova in view of Trinca (U.S. Patent No. 6,850,266, hereinafter Trinca); Claims 15 and 23 stand rejected under 35 U.S.C. §103 as being unpatentable over Canova, Trinca and Ataras (U.S. Patent No. 5,668,738, hereinafter Ataras); and Claims 16-19, 23 and 25 stand rejected under 35 U.S.C. §103 as being unpatentable over Canova and Trinca in further view of Lee (U.S. Patent No. 6,792,048, hereinafter Lee).

REJECTIONS UNDER 35 U.S.C. §103

The Official Action has rejected Claims 14, 20-23 and 24 under 35 U.S.C. §103 as being unpatentable over Canova in view of Trinca. The Official Action contends that the combination of these references provides all of the Applicants' claimed features. Applicants respectfully traverse the rejection.

Applicants' Claim 14 recites, a method of broadcasting multimedia data files during a video conference established between a sending device and one or more receiving terminals equipped with audio and video sources, including:

... mixing in real time in the sending device, the video issuing from a multimedia file with the video issuing from the video capture source, in response to an action performed by a participant via a user interface of said sending device to broadcast said multimedia file;

broadcasting by the sending device, through the audio and video channels opened for said communication according to the negotiated at least one communication parameter and without disrupting the communication, the mixed video resulting from the mixing and coded according to said video coding standard, in replacement of the video issuing from the video capture source of the sending terminal, and the audio issuing from the audio source of the sending terminal.

(emphasis added)

Canova describes, as shown in Figure 1, a mobile device (10) placed into a cradle (94) for transmission of data from the mobile device to a personal computer or other network accessible location. The mobile device (10) includes a microphone (30), a speaker (50) and a camera (50).<sup>1</sup> Video conferencing may be conducted with the mobile device (10) and multiple participants of the conference may be shown in multiple windows of the display of the mobile device.<sup>2</sup>

Trinca describes a method of conducting video conferences utilizing a directional room (1) which simultaneously receives signals AV from all users (2) connected to the video conference.

The Office appears to take the position that Canova describes broadcasting by the sending device, through audio and video channels opened for communication according to a negotiated at least one communication parameter and without disrupting communication, the mixed video resulting in from the mixing. However, the aspects of Canova cited for describing these features are deficient in this regard. For example, the Office identifies column 7, lines 10-20 of Canova which describe that a user can listen to an audio presentation of the content while physically reviewing a paper document. Likewise, the Office cites column 6, lines 32-40 of Canova as describing that a user may select a different video presentation for viewing, thus, disrupting the view of the original teleconference.

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<sup>1</sup> See Canova at column 3, lines 12-32.

<sup>2</sup> See Canova at column 6, lines 32-65.

Yet, the Applicants claims recite that mixed video is broadcast through the audio and video channels open for communication without disrupting the communication. On the other hand, in order to support the rejection, the Office has merely identified a portion of Canova in which a user may switch between display options. It is unclear what if anything is this portion of Canova has to do with the current claim language. Simply stated, the Office appears to have ignored the aspect of the claim which states that the disruption is avoided relative to a transmission of mixed audio and video. Indeed, the Official Action notes at page 4, that Canova does not disclose or suggest broadcasting the mixed video in replacement of the video issuing from the video capture source and the audio issuing from the audio source of the assembly terminal . In this regard, the Office cites Trinca.

As noted above, Trinca discloses a direct room (1) for mixing audio/video signals. To the extent the combination of references is understood, the Office appears to take the position that providing the mixing room to Canova somehow satisfies the claim feature of “mixing in real time at the sending device.” Clearly, Trinca is a multi-room video production facility not a device in accordance with the Applicants claims. Moreover, Trinca certainly does not disclose or suggest any negotiated video coding standard of a sending and receiving terminal utilized to replace video issuing from a video capture source of the device. Furthermore, it is noted that the current claims require that the mixing in real time at the sending device is in response to an action performed by a participant via a user interface of the sending terminal. As the Office has not identified anywhere in the current outstanding action how the multi-room production facility of Trinca in any way map to the currently claimed terminal device, Applicants respectfully submit that a *prima facie* case of obviousness has not been presented.

The Advisory Action of April 2, 2009 provided the following explanation:

Applicant argues that Trinca does not disclose “negotiated video coding standard of a sending and receiving terminal utilized to replace video issuing from a

video capture source of the terminal”, Applicants arguments contain details not disclosed in the claim language, the claim is broader than the Applicants argument.

As underlined claim 14 (page 8 above) shows quite clearly, the Applicants distinctions directly correlate to the claim language. Very clearly, the Advisory Action is simply wrong. None of the above noted distinctions have been rebutted by the Office, instead, a confusing statement as to the breadth of the Applicants claims has been provided.

Accordingly, Applicants respectfully request that the rejection of Claims 14, 20-23 and 25 under 35 U.S.C. §103 be withdrawn.

As the rejection of Claims 15-19, 23 and 25 are also dependent upon the above-noted utilization of the Canova and Trinca references, and, as these references are deficient for providing the features upon which the Office relies, Applicants respectfully submits that a *prima facie* case of obviousness has likewise not been presented with respect to these claims.

Accordingly, Applicants respectfully request that the rejection of Claims 15-19, 23 and 25 under 35 U.S.C. §103 be withdrawn.

Conversely, the Applicants’ claims require mixing in real time and the sending device, the video issuing from a multimedia file with video issuing from the video data capture source. This mixing is performed in response to an action performed by a participant via a user interface of the sending device. This mixed video is coded according to the video coding standard previously negotiated and is provided as a replacement of the video issuing from the video capture source of the sending terminal and the audio issuing from the audio source of the sending device.

CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present application, is in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

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